

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT JOSEPH LUTEK, JR.,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting Commissioner of  
Social Security,

Defendant.

CIVIL ACTION  
NO. 16-6434

**ORDER**

**AND NOW**, this 28th day of November, 2017, upon consideration of Plaintiff's Brief and Statement of Issues in Support of Request for Review and Defendant's Response thereto and Plaintiff's Reply, as well as the record therein, and after review of the Report and Recommendation of United States Magistrate Thomas J. Rueter, and with no objections being filed thereto, it is hereby **ORDERED** as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. Plaintiff's Request for Review of the decision of the Commissioner of the Social Security Administration is **GRANTED** in part and **DENIED** in part;
3. This matter is **REMANDED** to the Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings consistent with the Report and Recommendation of Judge Rueter; and
4. Judgment is entered in favor of Plaintiff, reversing the decision of the Commissioner for the purpose of this remand only.

**BY THE COURT:**

/s/ Jeffrey L. Schmehl  
**Jeffrey L. Schmehl, J.**